

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TRAVELERS HAVEN, LLC, a Florida
Limited Liability Company,

Plaintiff,

v.

AVENUE5 RESIDENTIAL, LLC;
HIGHLAND CRESTE, LLC; BAY VISTA
DEVELOPMENT COMPANY, LLC;
BUCKLIN HILL RESIDENTIAL, LLC;
and COMPASS SIGNATURE
APARTMENTS, LLC;

Defendants.

CASE NO. 3:21-cv-05712-RJB

ORDER

This matter comes before the Court *sua sponte* on review of the record. The Court has reviewed the record and is fully advised.

On September 28, 2021, the Court issued initial orders in this case, ordering that a Combined Joint Status Report and Discovery Plan, as required by Fed. R. Civ. P. 26(f) be filed by December 27, 2021. Dkt. 9. Plaintiff was informed that it was responsible to initiate communications necessary to comply with the order. *Id.* On October 13, 2021, Defendant

1 Compass Signature Apartments LLC was dismissed by agreement of the parties. Dkt. 17. On
2 November 12, 2021, Defendants Avenue5 Residential, LLC, Bay Vista Development Company,
3 LLC, and Bucklin Hill Residential, LLC's Fed. R. Civ. P. 12(b)(6) Motion to Dismiss was
4 granted and those parties were dismissed. Dkt. 27. On December 13, 2021, the Plaintiff filed a
5 Notice of Appeal of that November 12, 2021 Order (Dkt. 27). Dkt. 28. Judgment has not been
6 entered.

7 Once a notice of appeal is filed from a final judgment, the district court is divested of
8 jurisdiction. *Laurino v. Syringa General Hosp.*, 279 F.3d 750, 755 (9th Cir. 2002); *Griggs v.*
9 *Provident Consumer Disc. Co.*, 459 U.S. 56, 58- 59 (1982). This general rule does not apply
10 here because no final judgment has been entered.


11 It appears from the record that the remaining Defendant, Highland Creste, LLC
12 ("Highland"), was served on August 5, 2021. Dkt. 14-3, at 1. Highland has not appeared. No
13 motion for default has been filed. The JSR has not been filed.

14 It is not clear whether the Plaintiff intends to proceed against Highland. Accordingly, by
15 January 20, 2022, the Plaintiff should be ordered to (1) file a JSR with Highland, or (2) in some
16 other manner inform the Court, in writing, whether it intends to continue this case against
17 Highland.

18 **IT IS SO ORDERED.**

19 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
20 to any party appearing *pro se* at said party's last known address.

21 Dated this 4th day of January, 2022.

22 

23 ROBERT J. BRYAN
24 United States District Judge